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## FISCAL IMPACT REPORT



SPONSOR: Rainaldi DATE TYPED: 02/04/02 HB \_\_\_\_\_

SHORT TITLE: Additional Judgeships SB 55/aSJC

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
\$4,528.1				Partial Recurring**	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB94

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 Public Defender Department (PD)  
 Office of the District Attorneys (OADA)  
 LFC files

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Joint Committee amendments affect the bill in the following manner: 1) The residency requirements were changed in the Thirteenth Judicial District for judges of divisions one, two, three and six who must now reside and maintain their principal offices in Valencia county; and 2) Resulting technical adjustments were made to the remainder of Section 5 which changed the language from plural [judges] to singular in referring to the judge in division six who must maintain his principal office in Sandoval county.

#### Synopsis of Original Bill

Senate Bill 55 appropriates \$4,528.1 from the general fund to various courts statewide in order to create and provide funding for ten judgeships: six district court judgeships; three for Bernalillo County Metropolitan Court (BCMC); and one for Santa Fe's magistrate court.

The district and metropolitan court judgeships are filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico. The magistrate court judgeships are filled by appointment by the governor and serve until their successors have been elected in the next general election in 2002. The elected magistrates' term of office will begin on January 1, 2003.

The bill provides appropriations for salaries and benefits, supplies, furniture and equipment for the additional judges and support staff. Moreover, other appropriations are contained in the bill to provide attorneys, staff and operating expenses for the District Attorneys and Public Defenders in each of the respective districts affected by the additional judgeships.

This act contains an "emergency clause" so that the judgeships become effective immediately.

### Significant Issues

This bill embodies the policy that the Legislature requested and the Chief Judges Council has followed for the past five years in presenting judgeship requests endorsed in the judiciary's *Unified Budget*. In addition, the courts notify the District Attorney and Public Defender offices of their judgeship requests so that they have an opportunity to assess and report their respective analyses for this bill.

In 1998, the AOC completed a study to provide the Legislature with a methodology for determining the needs for additional judgeships – the Weighted Caseload Study. The study assigns a weight for each type of case heard in a court. The weight represents the average amount of judge's time, expressed in minutes, that is necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

After updating the study with FY01 caseload data, the Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide and considered the judgeship need as determined by the Weighted Caseload Study as well as additional narrative and testimonial information from those jurisdictions. In summary, the council voted to support the judgeships requested in this bill.

An additional table is attached highlighting the results of the weighted caseload analyses.

### **PERFORMANCE IMPLICATIONS**

According to the AOC and the *Unified Budget* document, the courts have significant caseload per judgeship and as a result, are experiencing backlogs, plus significant delays in hearing and disposition of both criminal and civil cases. If SB55 is enacted, the long-term effect on the court would be more efficient and expeditious disposal of cases.

However, the *Unified Budget* also displays several graphs showing that growth in caseload has flattened over the last five years. The two courts that have experienced significant growth in case filings are the 3<sup>rd</sup> Judicial District Court and Bernalillo County Metropolitan Court.

On the other hand, creation of additional judgeships hearing criminal cases directly impacts the Public Defender Department and District Attorneys. Representation and prosecution correlate to

adequate staffing and should accompany any increase in judgeships. In effect, this bill takes into account the entire criminal justice system and provides funding for each of the agencies involved in the court processes.

**FISCAL IMPLICATIONS**

\*\*Of the \$4,528.1 appropriation contained in this bill, \$2,43.9 is a recurring expense to the general fund and \$2,284.2 is non-recurring. Any unexpended or unencumbered balance remaining at the end of fiscal year FY03 shall revert to the general fund.

A summary of appropriations distribution by agency and by district is provided on page 3.

**JUDGESHIP AND RELATED APPROPRIATIONS**

Judgeships	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	Total
3 <sup>rd</sup> Judicial (1 Judge)	\$286,500	\$78,665	\$160,000	<b>\$525,165</b>
4 <sup>th</sup> Judicial (1 Judge)	\$286,500	\$78,665	\$70,000	<b>\$435,165</b>
6 <sup>th</sup> Judicial (1 Judge)	\$286,500	\$104,930	\$60,000	<b>\$451,430</b>
11 <sup>th</sup> Judicial (2 Judges)	\$573,000	\$157,330	\$220,000	<b>\$950,330</b>
13 <sup>th</sup> Judicial District (1 Judge)	\$286,500	\$78,665	\$70,000	<b>\$435,165</b>
Metro Court (3 Judges)	\$804,975	\$220,790	\$427,000	<b>\$1,452,765</b>
Magistrate – Santa Fe (1 Judge)	\$99,110	\$75,925	\$103,000	<b>\$278,035</b>
Totals	\$2,623,085	\$794,970	\$1,110,000	<b>\$4,528,055</b>

**RELATIONSHIP**

SB94 creates and funds judgeships for Chaves and San Juan magistrate court districts.

CMH/ar  
Attachment